

### III. REMARKS

1. Claims 17 and 18 are new and should be allowable for reasons similar to those with respect to claims 2 and 16.

2. Applicant appreciates the Examiner's indication of the allowance of claims 2-7 and 15, and the indication of allowable subject matter in claims 10, 11 and 14. For the reasons stated below, Applicant respectfully submits that all of the claims should be allowable in their present state.

3. It is respectfully submitted that claims 8, 9, 12 and 16 are not unpatentable over Dent (U.S. Patent No. 5,724,666) in view of Saito under 35 U.S.C. §103(a).

Claim 8 is directed to a diversity receiver having at least two reception branches, receiving on one operating frequency and making measurements on another frequency.

This is not disclosed or suggested by Dent in view of Saito. The Examiner refers to item 66A in Dent as a rake receiver. This is incorrect. Item 66A is not a rake receiver, but rather a "reception combiner", or, more accurately a "decombiner", the task of which is to separate the signals of different channels that come in through a single antenna and to direct the separated signals to appropriate independent receivers (Col. 2, lines 58-62; FIG. 3). Since Dent speaks about frequency channelization, the receiver combiner 66A is just a filter bank, where a number of band pass filters with adjacent frequency pass bands convert a combined, wideband radio signal into a number of separate radio signals on adjacent frequency bands.

Also, item 66B is not a measuring receiver, but rather an identical twin brother of block 66A, a "receiver combiner", and

certainly does not measure anything. The purpose of using two antennas 65 and their respective reception decoders 66A and 66B is to enable space diversity reception with fading patterns that are uncorrelated between the two antennas (see Col. 2, lines 62-65).

If one were to call the combination 65 to 66A a first reception branch, and the combination 65 to 66B a second reception branch in Dent, one should note that such a designation does not then allow one to say that each would be "tuned to different frequency...according to a predetermined timetable" as is claimed by Applicant. As Dent explains on the last ten lines of Col. 2, the combinations 65 to 66A and 65 to 66B are completely equal to each other and produce completely similar output signals if no fading is present. It is not reasonable to speak about "tuning" any of them according to any timetable, because after the assembling stage at the manufacturing works where the filter banks of blocks 66A and 66B are put together their frequency responses are fixed and they will never again be tuned to any different frequency.

Additionally it is not even reasonable to speak about a pair of "operational frequency" and "other than the operating frequency" in Dent, because for a base station equally equipped to receive on all of its allocated frequencies all signals coming through the reception decoders 66A and 66B come on some operational frequency. Note that when we speak about a base station and frequency division multiplexing, the different receivers are not reception branches that together would constitute a rake receiver. Rather they are receivers that are completely independent from each other and are meant to receive the signals of completely different transmitting stations. A rake receiver,

as is recited Applicant's claims, is one where at least two reception branches strive to receive the same signal, the optimal form of which could then be obtained as a combination from the outputs of the two parallel reception branches.

Finally, we note that Col. 7, lines 8-20 in Dent, which the Examiner refers to, does not disclose or suggest the feature of tuning to the other frequency according to a timetable known to the transmitting party. In Col. 7, lines 8-20, 7 Dent explains how the second antenna arrays receive a second rotational polarization that is different from the first rotational polarization and being arranged in a predetermined pattern to define a second receive coverage area.

Since each element of Applicant's invention according to claim 8 is not disclosed or suggested by the combination of Dent and Saito, the claims should be allowable.

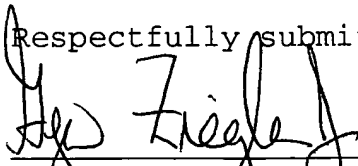
Claim 16 recites similar subject matter and should be allowable for the same reasons. Claims 9 and 12 should be allowable at least by reason of their respective dependencies.

4. Claim 13 should be allowable at least by reason of its dependency on claim 8.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check for \$850 is enclosed for a two-month extension of time and two additional independent claims. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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12 December 2005  
Date

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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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